

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TRUSTEES OF THE BRICKLAYERS &  
ALLIED CRAFTWORKERS LOCAL 13  
DEFINED CONTRIBUTION PENSION  
TRUST FOR SOUTHERN NEVADA, et al.,  
  
Plaintiffs,  
  
v.  
  
PATTON & PATTON MARBLE & GRANITE,  
INC., et al.,  
  
Defendants.

Case No. 2:10-cv-01867-JCM-PAL  
ORDER AND ORDER TO SHOW CAUSE  
(Mtn for OSC – Dkt. #99)

This matter is before the court on Plaintiffs Ex Parte Application for Order to Show Cause Against Billy Patton (Dkt. #99). The court has considered the Application.

On April 11, 2012, the court entered judgment against Defendant Patton & Patton Marble & Granite, Inc. *See* Order (Dkt. #53). On May 1, 2014, the court granted Plaintiffs' Motion for a Judgment Debtor Exam of Billy Patton, Owner, Officer, and/or Shareholder of Judgment Debtor Patton & Patton Marble & Granite, Inc. (Dkt. #89) and set a judgment debtor exam ("JDE") for June 17, 2014. *See* Order (Dkt. #91). On June 16, 2014, Plaintiffs filed an Affidavit of Service (Dkt. #93) indicating they were unable to serve Mr. Patton with the court's Order setting the JDE. In an Order (Dkt. #95) entered June 25, 2014, the court granted Plaintiffs' Motion to Continue the JDE (Dkt. #94) and reset the JDE for July 28, 2014.

On July 2, 2014, Plaintiffs filed an Affidavit of Service (Dkt. #96) indicating Plaintiffs' process server had served Billy Patton at his place of business on June 27, 2014, with the Motion to Continue the JDE. The court held the JDE on July 28, 2014, and Plaintiffs appeared through counsel. *See* Minutes of Proceedings (Dkt. #97). Mr. Patton did not appear, and no one

1 appeared on his behalf. *Id.* Plaintiffs' counsel indicated he was unsure whether Mr. Patton had  
2 been personally served. On July 29, 2014, Plaintiffs filed an Amended Affidavit of Service (Dkt.  
3 #98) confirming Mr. Patton was personally served with the Motion to Continue the JDE and the  
4 court's Order continuing the JDE on June 27, 2014.

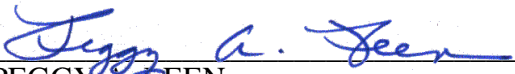
5 The instant Motion requests that an order to show cause be entered against Mr. Patton for  
6 his failure to appear at the duly-noticed JDE on July 28, 2014. In addition, Plaintiffs seek an  
7 award of attorney's fees and costs incurred in preparing the Motion for Order to Show Cause and  
8 for the fees and costs that will be incurred at a show cause hearing.

9 Having reviewed and considered the matter,

10 **IT IS ORDERED:**

- 11 1. Plaintiffs' Motion for Order to Show Cause (Dkt. #99) is GRANTED.
- 12 2. Billy Patton shall show cause, in writing, **no later than November 10, 2014**, why he  
13 should not be sanctioned for failing to appear at a duly-noticed judgment debtor exam  
14 and for failing to obey a court order.
- 15 3. A show cause hearing is scheduled for **November 18, 2014, at 11:00 a.m.**
- 16 4. Mr. Patton's failure to comply with this Order and Order to Show Cause and/or  
17 failure to appear at the show cause hearing may result in the court's issuance of a  
18 bench warrant for Mr. Patton's arrest and/or additional sanctions.
- 19 5. Counsel for Plaintiffs shall personally serve a copy of this Order and Order to Show  
20 Cause on Billy Patton and file proof of service **no later than October 29, 2014**.
- 21 6. After the show cause hearing, Plaintiffs shall file a memorandum of fees and costs  
22 supported by an affidavit of counsel, and the court will evaluate the propriety of  
23 Plaintiffs' request for fees and costs.

24 Dated this 22nd day of October, 2014.

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26 PEGGY A. LEEN  
27 UNITED STATES MAGISTRATE JUDGE  
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